IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 3684 of 1996

Between:

S.Thippaiah S/o. S.Mahesh
H.No.51-1029-A1-2 Seetharam Nagar, Kurnool, Kurnool Dist.

..... PETITIONER

AND

1 The Regional Manager Andhra Bank, Regional Office Kurnool
2 The Staff General Manager Andhra Bank, Central Office Sultanbazar, Hyderabad.
3 The Dy.Chief Officer, Andhra Bank, Staff Dept., Head

Office, 5-9-11, Saifabad, Hyderabad-4

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari, calling for the records relating to the letter No.666/3/R/490 dt:8/2/1996 issued by the 3rd respondent and quash the same as illegal, arbitrary and discriminative and further call for the records relating to the notification issued by the Andhra Bank for the purpose of calling for the application from the candidates and declare the fixation of cut off date as 1/1/82 in the said notification as illegal, arbitrary and quash the same in so far as fixation of cut off date and consequently direct the respondents herein to consider the candidates of the petitioner for empanelment and also for appointment in the sub-staff cadre in the respondent Bank.

Counsel for the Petitioner:MR.M.RATNA REDDY

Counsel for the Respondents: MR.K.SRINIVASAMURTHY

The Court made the following :

O R D E R:

The petitioner worked on temporary basis as a peon in Andhra Bank in Nandikotkur Branch in Kurnool District and also in Amarchintha Branch in Mahaboobnagar District, in broken spells during the periods from July 1979 to February, 1980. He claims to have put in a combined service of 120 days on temporary basis during the said period. By a notification published in a daily newspaper on 31-10-1991, the respondent-bank called for applications from persons, who had put in a temporary service of 90 days or more, subsequent to 01-01-1982, for empanelment, for consideration of such empanelled candidates for future temporary appointment. Claiming that the fixation of

01-01-1982 as a cut of date is illegal and arbitrary and for a consequential direction to the respondents to consider his candidature for employment and for appointment as a sub-staff in future, the writ petition is filed.

The respondent-Bank filed a counter affidavit stating that earlier the branch manager used to unauthorizedly appoint the persons to work in leave vacancies in violation of the instructions of the central office of the bank and that such employment was causing serious establishment problems. This was the situation in other nationalized banks also. Accordingly, the Government of India, as one time measure, issued instructions to all nationalized banks prescribing the procedure for employment and absorption of unauthorized temporary employees subject to certain stipulations regarding age, educational qualifications etc., Pursuant to these Government of India guidelines, the respondent-bank issued a notification in 1991, calling applications from the temporary employees, who has worked for 90 days or more in any branch or office of the respondent-bank after 01-01-1982. To prepare the list of such candidates subject to certain conditions, one of the conditions is that they should have worked in the bank subsequent to 01-01-1982. Those who worked prior to 01-01-1982, were not eligible for empanelment. The persons found eligible and empanelled would initially be provided appointment in leave vacancies. As and when, they attain eligibility in the order of the list in the panel and by rotation, whenever a permanent vacancy arises, the empanelled candidate will be absorbed in the regular service of the bank. As the notification issued by the respondent-bank

was in conformity with the guidelines issued by the Government of India's guidelines, the petitioner is not entitled to any relief is the contention of the respondent-bank.

It is a settled principle in law that mere fixation of a cut of date is not *per se* arbitrary, a new policy engendered by a public authority will have to commence from some date. In the instant case, 01-01-1982 is the date that has been determined by the Government of India, after which temporary service rendered in excess of 90 days should be considered reasonable and adequate for empanelment, for consideration of future temporary appointment or for absorption. This policy is a policy of the Government of India, which has been implemented by various banks including the respondent-bank. The petitioner has not chosen to challenge the policy of the Government of India. Even other wise, this court does not *per se* find any illegality in the mere prescription of a cut of date in a policy engendered in 1991. It would be impractical to fix as a cut of date, a date prior to the date of the new policy. It is possible as contended by the respondent-bank, if all persons who had put in 90 days or more of service irrespective of a cut of date, were rendered eligible, stale claims of persons, who were in temporary service, a long time ago would assert claims for empanelment and the sheer size and enormity of such applications vis-à-vis the meager number of regular posts available for eventual absorption, would render the scheme itself unworkable.

In the circumstances, there appears to be rational reasons for identifying 01-01-1982 as the relevant date for the purpose of reckoning 90 days of temporary service for empanelment.

On the analysis of the above, this Court finds no infirmity in the notification issued by the respondent-bank warranting interference in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

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17-11-2004.

Mjl/*

To

1 The Regional Manager Andhra Bank, Regional Office Kurnool
2 The Staff General Manager Andhra Bank, Central Office Sultanbazar, Hyderabad.
3 The Dy.Chief Officer, Andhra Bank, Staff Dept., Head

Office, 5-9-11, Saifabad, Hyderabad-4

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